

REMARKS

Applicant has enclosed a check in the amount of \$210.00 in payment of the extension for response within second month. If any additional fee is due, the Examiner is authorized to withdraw such amount from deposit account No. 501305.

The application has been amended to correct minor informalities so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as the result of the foregoing modifications.

The undersigned has made multiple attempts to contact the Examiner and has left multiple messages with the Examiner, but has not received a return telephone call. Applicant has waited as long as possible to receive a return call from the Examiner but is now under the second month of extension and, therefore, submits the instant formal response.

Applicant has amended the specification to clarify that the double torsion spring (140) is provided around the pin (64). Support for this amendment can be found in Figures 2, 12, 13, 14, 16, 17 and 18, all of which show the torsion spring (140) provided around the pin (64). Additionally, Applicant has deleted the reference number (142) from the specification to clarify that the double torsion spring (140) is biased between the back of the hammer (66) and the base plate (100), as shown in Figures 12, 13, 14, 16, 17 and 18. Applicant has also corrected other informalities that were not identified by the Examiner.

The Examiner has objected to the specification, arguing that items "16, 209 Primer, on pages 4,10" of the specification are not identified in the Figures. Applicant respectfully traverses the Examiner's objection, pointing out that item (16) is clearly identified in Fig. 1, and that "209

Primer" is the name of the most ubiquitous type of primer used in association with in-line muzzleloaders. The 209 Primer is identified as primer (254) in Figure 8, and is clearly identified in the specification.

The Examiner has also objected that items (100), (102), (144), (196), (198), (244), (270) and (286) are not described in the specification disclosure. Applicant again respectfully traverses the Examiner's objection, pointing out that (100) is described in the specification at least on Page 7, lines 10 and 23; (102) is described at least on page 7, lines 10 and 12; (144) is not a part of the specification or drawings; (196) is identified on at least page 6, lines 6, 10 and 11; (198) is described on at least page 9, lines 7 and 8; (244) is described on at least page 10, line 14; (270) is described on at least page 11, line 14; and (286) is described on at least page 12, line 3. Accordingly, Applicant respectfully requests the Examiner withdraw all objections to the disclosure.

The Examiner has rejected Claims 1-17 under 35 U.S.C. §102(b) as being anticipated by Rousseau, U.S. Letters Patent 5,417,001. Applicant respectfully traverses the Examiner's rejection. The Examiner states that Rousseau discloses a torsion spring (24). From an analysis of Rousseau it is clear that (24) is not a torsion spring, but instead a compression spring. Similarly, the Examiner states that Rousseau discloses a "firing action" coupled to the carriage. However, the Examiner states that the "firing action" is the same element the Examiner earlier described as the claimed "hammer" element. Furthermore, the Examiner fails to cite anywhere within Rousseau where a "firing pin" is coupled to the carriage, as claimed by Applicant.

As the Examiner has failed to cite any prior art which includes all of the limitations of Claim 3, or any art which includes all of the limitations of Claim 1, and the additional limitation of a firing pin coupled to the carriage, Applicant has amended Claim 1 to include that limitation

to further define the application over the prior art. Now, newly amended Claim 1 includes all of the previous limitations of Claim 1, plus the limitation of Claim 3 as originally submitted. Additionally, Claim 2, now includes all of the limitations of originally submitted Claim 3, including all of the intervening limitations.

Accordingly, as the Examiner has not cited any prior art which includes all of the limitations of newly amended Claim 1, or of any of the claims depending therefrom, including Claim 2 (which includes all of the limitations of originally submitted Claim 3), it is respectfully requested that the Examiner's rejection of Claims 1-2 and 4-8 be withdrawn and that reconsideration be granted to Claims 1-2 and 4-8, and that they be passed to allowance.

The Examiner has also rejected Claim 9 under 35 U.S.C. §102(b) as being anticipated by Rousseau. The Examiner states that somehow elements (15) and (21) of Rousseau form a carriage, apparently because they are somehow pivotally connected to one another. All elements of the entire weapon described in Rousseau are either pivotally coupled to either parts (15) or (21), or are coupled to a part coupled thereto. As parts (15) and (21) are not even coupled to one another, it is impossible to see how they form a carriage. Applicant simply fails to understand the Examiner's rejection of Claims 9-17. Indeed, taking just one example, it is impossible to see how Rousseau teaches the limitation of Claim 17, namely the provision of a primer pocket on the carriage. The Examiner's argument that such a primer pocket is disclosed with the carriage assembly as shown in Figure 5, at the interface between items (4) and (5), is wholly unsupported by either the specification or drawings of Rousseau.

Notwithstanding, Applicant has amended Claim 9 to further distinguish the claimed invention over the cited art. Now, Claim 9 includes a limitation where the carriage is pivotally coupled to a frame for rotation between a first condition where the carriage is secured within the

frame, and a second condition where the carriage is released from the frame. Additionally, Claim 10 has been further clarified to more accurately describe the claimed invention.

Accordingly, as neither Rousseau nor any other cited art anticipates the invention of Claims 9-17. Applicant respectfully solicits the Examiner to withdraw the rejection of Claims 9-17 under 35 U.S.C. §102(b), grant reconsideration of the application, and pass Claims 9-17 to allowance at this time.

The Examiner has also rejected Claims 18-20 under 35 U.S.C. §102(b) as being anticipated by Sprangers, U.S. Letters Patent 5,463,829. Applicant respectfully traverses the Examiner's rejection. The Examiner submits that Sprangers discloses the claimed limitations of Applicant's Claims 18-20. In support, the Examiner submits that Sprangers not only discloses a hammer (118), but also discloses a release lever/pawl/tongue which is also indentified as (118). Obviously, the self-proclaimed hammer (118) of Sprangers cannot simultaneously be the Applicant's claimed hammer and Applicant's claimed release lever having a catch, especially when there is no teaching or even a suggestion in Sprangers that the hammer (118) is a release lever having a catch. The Examiner also states that item (121) of Sprangers meets the limitation of Applicant's "means for biasing said release lever into engagement with said carriage with sufficient force to maintain said carriage at least partially within said frame." Applicant respectfully traverses this characterization as no such function is either taught or suggested by Sprangers. The Examiner goes on to state that item (121) constitutes a torsional spring, meeting the claim limitations of Claim 19. Applicant again respectfully traverses the Examiner's rejection stating that the Sprangers spring (121) is in no way a torsional spring.

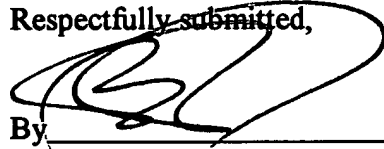
Accordingly, as the cited prior art does not anticipate or even teach or suggest the claim limitations of Applicant's Claims 18-20 as originally submitted, Applicant respectfully requests

that the Examiner's rejection s be withdrawn, reconsideration be given to the case, and that Claims 18-20 be passed to allowance at this time.

Applicant submits that Claims 1-2 and 4-20 are in condition for allowance at this time. Accordingly, Applicant respectfully requests reconsideration be granted to the case and the Examiner pass Claims 1-2 and 4-20 to allowance at this time.

The Examiner is respectfully urged to call the undersigned at 515-288-9263 to discuss the foregoing claim limitations in an effort to reach mutually acceptable claim limitations if the foregoing limitations are not deemed adequate for this purpose.

Respectfully submitted,



By

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